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CLASSIFICATION STANDARDS REGULATION
CONSULTATION MEETINGS
WITH THE WINNEBAGO TRIBE OF NEBRASKA
taken on July 18, 2006

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1 The Consultation Meeting with the WINNEBAGO
2 TRIBE OF NEBRASKA, was taken before Sherry G. Auge,
3 a notary public in and for the County of
4 Washington, State of Minnesota, on July 18, 2006,
5 taken at the Sheraton Hotel, Lounge No. 3, 7800
6 Normandale Boulevard, Bloomington, Minnesota,
7 commencing at approximately 9:05 a.m.

8

9 A P P E A R A N C E S:

10

11 ON BEHALF OF THE NATIONAL INDIAN GAMING
12 COMMISSION:

13 PHILIP N. HOGAN, Chairman of the National
14 Indian Gaming Commission, 1441 L Street NW, Suite
15 9100, Washington, D.C. 20005;

16 CLAYCE V. CHONEY, Chairman of the National
17 Indian Gaming Commission, 1441 L Street NW, Suite
18 9100, Washington, D.C. 20005;

19 JOSEPH M. VALANDRA, Chief of Staff of the
20 National Indian Gaming Commission, 1441 L Street
21 NW, Suite 9100, Washington, D.C. 20005;

22 NATALIE HEMLOCK, Special Assistant to the
23 National Indian Gaming Commission, 1441 L Street
24 NW, Suite 9100, Washington, D.C. 20005;
25 PENNY COLEMAN, Acting General Counsel for the

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1 National Indian Gaming Commission, 1441 L Street
2 NW, Suite 9100, Washington, D.C. 20005;

3 MICHAEL GROSS, Senior Attorney for the National
4 Indian Gaming Commission, 1441 L Street NW, Suite
5 9100, Washington, D.C. 20005;

6 JOHN R. HAY, Staff Attorney for the National
7 Indian Gaming Commission, 1441 L Street NW, Suite
8 9100, Washington, D.C. 20005;

9 JOHN PETERSON, Regional Director for the
10 National Indian Gaming Commission, St. Paul Office,
11 190 East 5th Street, Suite 170, St. Paul, Minnesota
12 55101;

13 ALLEN PHILLIPS, Field Investigator, 801 I
14 Street, Sacramento, California.

15

16 ON BEHALF OF THE WINNEBAGO TRIBE OF NEBRASKA:

17 JAMES E. SNOW, Vice Chairman of the Winnebago
18 Tribe of Nebraska;

19 NATALIE EARTH, Vice Chairman of the Gaming
20 Commission;

21 MATTHEW PILCHER, Tribal Council Member;

22 MONICA MORRISON, Chair for the Gaming

23 Commission.

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1 WHEREUPON, the following proceedings were duly
2 had:

3 COMMISSIONER HOGAN: We'll go ahead and
4 commence the proceedings. This is the second day
5 of government-to-government consultations that NIGC
6 is holding here in Bloomington, Minnesota. We're
7 convened on the 18th of July with the Winnebago
8 Tribe, and we're going to talk specifically about
9 the proposed regulations that NIGC published in the
10 Federal Register on the 25th of May relating to
11 Class II classification of games and some of the
12 definitions used in connection with that.

13 Present here on behalf of NIGC, myself, Phil
14 Hogan, Chairman of the National Indian Gaming
15 Commission. Commissioner Chuck Choney is the other
16 member of the Commission, presently. We have Joe
17 Valandra, our Chief of Staff. Natalie Hemlock is
18 one of our assistants to the Commission from
19 Washington D.C., and seated next to the reporter is
20 Penny Coleman, is the Acting General Counsel, and
21 from her office, Michael Gross and John Hay, who

22 are attorneys in the office of the General Counsel.

23 John Peterson from the St. Paul office is seated at

24 the end and --

25 MS. COLEMAN: Allen Phillips.

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1 COMMISSIONER HOGAN: Allen Phillips,
2 who -- I'm sorry. He lost his suitcase, and I lost
3 his name. He got his suitcase, and I have his
4 name. Allen Phillips is from our Sacramento
5 office. We don't see Allen as often -- as often as
6 we see some of these other folks. That's our team.
7 All of these folks are involved in the process of
8 drafting these regulations and reviewing them.
9 That's why we have a large team to hear what tribes
10 have to say.

11 So, perhaps, we could start on your side. If
12 you would introduce yourselves and tell us your
13 affiliation with the tribe, and then, we are very
14 interested to hear what you have to say about what
15 we've proposed.

16 MR. JAMES SNOW: All right. Good morning
17 to you, Chairman Hogan, and the rest of the NIGC
18 staff, and I want to say thank you for this
19 opportunity to address all of you. And my name is
20 Jim Snow, and I'm the vice chairman of the
21 Winnebago Tribe of Nebraska.

22 MR. MATTHEW PILCHER: I also appreciate
23 you listening to us today. My name is Matthew
24 Pilcher. I'm a member of the Tribal Council.

25 MS. MONICA MORRISON: Monica Morrison.

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1 I'm the Chair of the Commission, the Gaming
2 Commission.

3 MS. NATALIE EARTH: I'm Natalie Earth, and
4 I'm the Vice Chairperson of the Winnebago Gaming
5 Commission.

6 MR. JAMES SNOW: And I'll go first, and
7 then, like I said, my name Jim Snow, Vice Chairman
8 of the Winnebago Tribe of Nebraska. And as far as
9 the proposed changes to the IGRA, which would
10 affect the NIGC's operation and regulatory
11 authority, we bring in a resolution opposing those
12 changes, and, simply, on the fact that we think it
13 infringes upon our sovereignty and our ability to
14 handle our own affairs. And, I think that Congress
15 started this process in 1988, of the Indian Gaming
16 Regulatory Act. You know, they didn't want
17 something to the way -- the way tribes govern
18 themselves, or the ability to make those decisions,
19 you know.

20 And again, previous to the tribe's involvement
21 in gaming, our unemployment was, probably,

22 80 percent, and through our little casino, you
23 know, it's small, but it provides a lot of
24 opportunities for tribal members with the proceeds
25 from the casino. And then, the jobs is 350 jobs,

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1 but that's something we never had before.

2 And, also, the revenues from the casinos
3 provides for 300 jobs to the tribe on the other
4 side. And so that alone is something, but, also,
5 the others that enable the tribe to get up off our
6 knees. And then, really, the things that we
7 created, the funding with what the revenues of the
8 casino and the tribal programs, the college, the
9 education, senior citizens program, the youth, and
10 the swimming pool, and things like that, and we
11 really appreciate what gaming has done for us.

12 And to change something that has been working,
13 just because some tribes are successful, and that's
14 what it comes down to. It comes down to, like, it
15 seems like Congress, and there's a lot of the other
16 businesses that are involved in gaming, they don't
17 like it if tribes are successful. And so they're
18 trying to make something, but if you would come to
19 the Great Plains region of this country and go to
20 these reservations, we are still the poorest of the
21 poor.

22 Winnebago Tribe's unemployment is still at
23 45 percent. The Santee is at 70 percent. The
24 Omaha's are at 70 percent. Red Lake Nation, you
25 know, all of the tribes in this region, but because

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1 of some tribes' success, you know, they try to
2 change something, you know. And all you would have
3 to do is, probably, you know, modify some of the
4 regulations, and let the -- let those that are
5 entrusted with those decision making processes to
6 review what's already in place and modify it. You
7 know, you don't have to change the whole act.

8 I really feel that -- that basically it's --
9 you know, it's -- things are working, is that we
10 have -- we have -- Indian gaming is subject to
11 federal regulations on a number of levels, NIGC,
12 BIA, FBI, I.R.S., and the FINCIN Financial
13 Recording.

14 And then, again, I said, prior to 1989, the
15 Winnebago Tribe had an unemployment rate of
16 85 percent, created openings of the Winnebago
17 Casino, created jobs and revenue to fund tribal
18 government operation, opened a little tribal
19 college in 1996. The states of Iowa and Nebraska
20 greatly benefit from the goods and services
21 purchased by the Winnebago Casino and the Winnebago

22 Tribe of Nebraska.

23 And WinnaVegas is the 12th largest employee in

24 the Sioux land area with 350 employees. The tribe

25 employs 300, and ACI employs -- ACI, which is

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1 Ho-Chunk, Incorporated -- employs 250 locally. And
2 so, I just, again, for your record, copy of the
3 resolution opposing those changes. And then, again
4 say, thank you, but give Matthew an opportunity
5 and, also, members from the gaming commission to
6 say something. Thank you again for your time.

7 MR. MATTHEW PILCHER: At my age, people
8 are calling me, Elder, and I'm only 75 years old.
9 In 1954, after six years in the Army, when I got
10 discharged with my busting (sic) out pay, I bought
11 a 1949 Ford. And when I got home, the people at
12 home thought I was rich, because many of our people
13 at that time still were traveling by horse and
14 wagon. And they used to hire me to drive them to
15 Sioux City to shop and things like that, because
16 none of them had any cars.

17 And that's when my grandmother was still alive.
18 She couldn't speak English, and when I got home out
19 of the Army, she still didn't have electricity. I
20 had electric put in. I brought her a washing
21 machine, a refrigerator, things like that. And

22 these kinds of things coming down with these
23 changes, it's going to add an extra cost to our
24 tribe.

25 Our tribal casino, WinnaVegas, is located,

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1 approximately, 40 miles away from our community.
2 It's across the river in Iowa. Even though it's
3 our reservation from the community of Winnebago,
4 they have to drive -- the people that work out
5 there have to drive out there and drive back.
6 That's a total of 80 miles a day they're traveling.
7 And it's located on Sloan, Iowa, three miles west
8 of the I-29 surrounded by cornfields.

9 The present workforce out there, like Jim said,
10 is 360 people, and the racial breakdown of that,
11 today, is the Caucasian race is 156 people, Native
12 Americans is 75, and Winnebago is 89, the Hispanic
13 13, Asian 24, and African American is 5. So as you
14 can see, the total number of non Winnebagos far
15 outnumber our tribal members.

16 There's many factors that contribute to this:
17 The lack of education, failure to pass background
18 investigations to IGRA rules, and lack of
19 transportation. The income generated from the
20 casino is used to fund a tribal government. Just
21 last week we had to cut two of our programs, our

22 youth shelter and our renaissance program, which

23 teaches the Winnebago language and culture.

24 Because of the loss of money generated by the

25 casino, since the proliferation of casinos in Iowa,

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1 it's cut our income down to almost nothing. There
2 is a big boat in Sioux City, Iowa. There's about
3 four or five big casinos in Council Bluffs. One
4 just recently opened, the Horse Shoe, and that's
5 taken away business. Like Jim said, we still have
6 the high rate of unemployment, and the -- so we
7 kind of oppose any new layers of rules and
8 regulations that's going to add to the cost of our
9 operations, which will further cut other jobs, you
10 know.

11 And like the large number of non Indians that
12 are working there, they live in a nearby town,
13 whether it's Sioux City; South Sioux; Sergeant
14 Bluff; Salix, Iowa; Sloan, places like that, so any
15 income coming out of there goes to those
16 communities. It doesn't regenerate on our
17 reservation.

18 And one other problem facing our people seeking
19 employment is a high level of discrimination around
20 our reservation, and some of these outstanding
21 citizens of these communities refer to us as

22 "prairie niggers". I've heard that term myself.
23 I've only been back on the reservation for three
24 years, but I was shocked when I heard that term,
25 because I came from the fairly liberal city of

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1 Chicago, Illinois.

2 But that's about all I have to say, and I just
3 want to say that we oppose these rules. We're
4 cutting costs as much as we can, and I don't see
5 how we can go any further without raising our
6 unemployment rate higher. Thank you.

7 COMMISSIONER HOGAN: Thank you.

8 MS. MONICA MORRISON: Good morning. I'd
9 just like to thank each and every one of you for
10 allowing us this time. Basically, I just wanted to
11 say that, you know, we've always worked with NIGC.
12 We have -- you know, anything that has coming up,
13 you know, we've tried very hard to work with you
14 guys, and, you know, tried not to, you know, work
15 against trying to keep a firm, you know, fairly
16 friendly relationship with you guys.

17 That's about it. I do know that Natalie did
18 write some things up, and she had some things that
19 she wanted to say.

20 MS. NATALIE EARTH: Okay. I didn't get to
21 make a copy, and I wanted to hand out to you all,

22 but I didn't get to do that, so I'll read to you,
23 and then, I can give you guys a copy. Okay? I'll
24 be mailing it over to the office over there, but
25 first of all, I have a question -- the question

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1 is -- and I don't where I can get an answer.
2 Maybe, one of you guys can get it to me or mail to
3 me, or whatever, but, I guess, the only question is
4 why are they doing this? You know, that's all --
5 that's all my question is, why? And I would like
6 an answer from somebody somewhere.

7 COMMISSIONER HOGAN: Well, perhaps I can
8 address that. The resolution that we've received,
9 and I think many of Chair Snow's remarks deal with
10 S.2078, which is before the United States Congress,
11 which is a very big issue on the national level.
12 Our hearing today is focused more specifically on
13 the proposed regulations that NIGC has under
14 consideration relating to drawing a brighter line
15 between what's Class II and what's Class III
16 gaming, but let me address both of those.

17 S.2078 is, I guess, the effort of the Senate
18 Indian Affairs Committee to, after 15 years of
19 operating under the Indian Gaming Regulatory Act,
20 take a look at it, and try to address some of the
21 things that, based on 15 years of experience, might

22 indicate need adjustment. One of the things would
23 be clarification of NIGC's role relating to Class
24 III gaming.
25 Basically, for the past, well, since 1999, NIGC

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1 has been playing, I think, an effective role with
2 respect to Class III with the implementation of
3 Minimum Internal Control Standards. The court case
4 last year in a case brought by the Colorado River
5 Indian Tribe questions that role, and this would
6 clarify that. It also addresses -- the legislation
7 also addresses the contracts that NIGC would have
8 the authority to review and approve, and then
9 finally, it would address off-reservation gaming
10 where tribes can go beyond their reservation
11 boundaries.

12 And I don't know that the Great Plains is
13 really the hot bed of that activity, but in places
14 like California and elsewhere, that's hotly
15 contested. So, I think, that's why Congress is
16 looking at this at this time.

17 With respect to our proposed regulations, the
18 Indian Gaming Regulatory Act permits tribes to
19 conduct Class II gaming without a compact, as you
20 know that, and the tribes with a Nebraska base know
21 how difficult it is to be in a place where you

22 can't compact with the State.

23 You folks have the good fortune, or whatever,

24 of straddling state lines, so you are in a state,

25 also, where you do have a compact, but you're not

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1 ideally situated. While you're along the
2 interstate, you're a little ways off. I was out
3 there a couple of weeks ago and enjoyed my visit,
4 but I know the competition you face and how tough
5 it is to compete when those other places that are
6 right in the centers of population.

7 But when tribes go to negotiate compacts with
8 states, and things like that, everybody concerned
9 needs to know just what is the difference? Where
10 do we draw the line? What can tribes do if they
11 don't have a compact, and what falls into Class
12 III. And that line is not very bright right now,
13 and so that is the reason we put together a Tribal
14 Advisory Committee, went through five difficult
15 drafts of our proposed regulations and are trying
16 to draw that line.

17 So the Indian gaming industry has been an
18 economic miracle. It really went -- went far
19 beyond, I think, the expectations of most when back
20 in 1988, IGRA was passed, and we don't want to put
21 that at risk. We want to try and foster that

22 continued growth, but we think things like
23 clarifying issues, such as what's the difference
24 between Class II and Class III will, in the long
25 run, help to preserve that.

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1 So, I guess, that's my best shot at telling you
2 why we're trying to do what --

3 MS. NATALIE EARTH: I guess, I have a hard
4 time -- and this isn't -- don't think that I'm, you
5 know not talking about you guys here or anything.
6 I always have a hard time with somebody that's, as
7 they say, in higher positions than we are trying to
8 tell us how to do things when you actually don't do
9 it. You know what I'm saying?

10 Say, we've been doing this, like, ten years.
11 Been in there every day, every day, on the job, you
12 know, and to have somebody like, you know, just
13 come sit here at the table and sitting way up
14 there, why don't we do it this way or that way, but
15 if you don't do it everyday, and you don't see it,
16 how can you say that. These are just my own
17 thoughts. Just -- I always had a hard time with
18 that in any area of this life here that --

19 COMMISSIONER CHONEY: I might want to add:
20 First of all, we're not higher than you. We're on
21 the same level.

22 MS. NATALIE EARTH: That's not what I

23 meant, not you guys, but I'm just saying, like,

24 that way, the House, and all that.

25 COMMISSIONER CHONEY: We do keep track --

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1 our primary function is oversight. We don't come
2 out and look over your shoulder to see if you're
3 doing your job. We look at your regulators. We
4 ensure that your regulators are doing their job,
5 and in most instances, regulators do do the job.
6 That's why a lot of the tribes are doing so well.
7 But, again, there are a lot of tribes out there
8 where regulators are not doing their jobs. They're
9 the ones that's causing their tribe a lot of
10 problems.

11 In other words, they're going broke. They're
12 not making the money they should be, 'cause they're
13 not doing their job. That's what we intend to do.
14 That's what we're meant to do, by Congress, is
15 ensure that the regulators do their jobs.

16 MS. NATALIE EARTH: Yeah, I understand
17 that.

18 COMMISSIONER HOGAN: Let me also say that,
19 you know, the Indian Gaming Regulatory Act, I
20 think, was concerned about that, and it said, among
21 other things, that of the three members of the

22 Indian -- of the National Indian Gaming Commission,
23 two of them have to be tribal members. Now, Chuck
24 is full blood. Chuck's half Kiowa and half
25 Comanche, enrolled in Comanche. I'm enrolled at

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1 Pine Ridge. I'm Oglala.

2 Chuck's life work was law enforcement. He was
3 an FBI agent, and part of that work, during his 25
4 years, was going in the doors of tribal gaming
5 facilities, seeing what was going on and trying to
6 ferret it out people who were trying to steal from
7 tribes.

8 When I practiced law, I represented my own
9 tribe when we negotiated our compact and wrote our
10 tribal gaming regulations and did our gaming
11 ordinance. And so we may not have been there in
12 the same chair you folks have been, all day, every
13 day for years, but we do have that perspective.

14 And I think that's why we were, in part,
15 selected to do the jobs that we were selected to
16 do, and that's exactly why we're trying to come out
17 to Indian country to sit across from the table from
18 folks who are there all day, every day, to get a
19 handle on this. So we know we can't walk in your
20 shoes all day, every day, but we do have some of
21 that perspective, and we have people like John

22 Peterson who, you know, that's their day to day
23 work is going to tribal gaming facilities providing
24 that information to us, so, hopefully, we can have
25 some of that perspective.

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1 MS. NATALIE EARTH: That's all I was just
2 saying is, will somebody, at least, listen to us,
3 because it's always an uphill battle all the time.
4 We wouldn't come here and be saying these things if
5 it wasn't so, you know. But I appreciate, you
6 know, all the things that you do go along with us,
7 you do for us, help us along. We try our best. I
8 believe we do. We've been getting really good
9 compliance. We've been in compliance all this
10 time. I believe that, because we try our best, and
11 even our own people get mad at us, because we have
12 to do our job.

13 So sometimes, I say, I guess, one person is mad
14 at us, but then, again, we got a few thousand other
15 people that we take care of, too, and then, we'll
16 be alright again. I just had this stuff to read it
17 anyway. It just says, "From the inception of the
18 WinnaVegas Casino, owned and operated by the
19 Winnebago Tribe in Nebraska, and the WinnaVegas
20 Casinos is located in Sloan, Iowa, which is on the
21 Woodbank Reservation, and for the 14 years that we

22 have been in business, and we have worked right
23 along and very well with the National Indian Gaming
24 Commission. And we are also very pleased that
25 since that time, our casino has been in compliance

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1 as in the National Indian Game Commission sends us,
2 you know, their reports, and they're stating that.

3 As of April 2006, the Winnebago Gaming
4 Commission members consists of Monica Morrison, the
5 Chairperson, and myself as the Vice Chairperson.
6 Debra Belltram is the Secretary, and Lenora Snake
7 is the Gaming Commissioner, and we firmly believe
8 in AGRA and the tribal sovereignty, and all of our
9 gaming commissions are enrolled with the Winnebago
10 Tribe of Nebraska, and our compliance officers are
11 also, you know, members of the Winnebago Tribe of
12 Nebraska so --

13 MS. COLEMAN: Could I ask you two a
14 question? You've recently opened a Class II
15 facility in Nebraska; isn't that right?

16 MS. MONICA MORRISON: Um-hum.

17 MS. COLEMAN: Can you tell me, you've got
18 bingo machines. Can you tell me how that's
19 working? Is it -- are you drawing in a good crowd?
20 Are they -- do they like it?

21 MS. MONICA MORRISON: Yeah. We have

22 Rocket and -- we have two facilities. We have

23 Rocket in both facilities, and they seem to like

24 it.

25 MS. COLEMAN: So are people having a hard

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1 time with having to -- to daub several times or --

2 MS. NATALIE EARTH: No.

3 MS. MONICA MORRISON: No. No.

4 MS. NATALIE EARTH: I never hear that. No
5 one ever complains about it.

6 COMMISSIONER HOGAN: Those Nebraska
7 farmers are easy to train (laughter).

8 MS. NATALIE EARTH: It's just
9 entertainment for them. You know what I mean? I
10 guess, I don't think it would even really -- never
11 heard of that.

12 MS. COLEMAN: So you did have to train
13 them on how to do it?

14 MS. MONICA MORRISON: Yeah. They had to
15 show them, yeah.

16 MR. JAMES SNOW: We had to walk them
17 through.

18 MS. COLEMAN: Yeah. Had to walk them
19 through it.

20 MR. JAMES SNOW: If it wasn't for the
21 current manager who's a tribal member and had

22 previous experience, he started out -- his name is
23 Brian Chamberlain. He started out when the casino
24 first opened in table games, and from there, he
25 moved to the Gaming Commission, and then resigned

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1 from the Gaming Commission to accept a position as
2 manager of the Iron Horse Casino. And if it -- if
3 it wasn't for his expertise, that place would have
4 folded up, because we were running a deficit.

5 And through his knowledge of gaming, he was
6 able to make that business profitable where even if
7 it's a modest -- modest thing of a thousand dollars
8 a day, but it meets the overhaul -- the overhead of
9 the current facility, and that's -- that provides
10 jobs.

11 And then with that, they -- just based upon
12 that alone, they were able to borrow enough money
13 to open a Class II facility in Winnebago, which
14 employs, probably, eight tribal members right in
15 the community. And, again, to go back and send the
16 letters to NIGC stating that we will be opening a
17 Class II facility utilizing these games, which have
18 already been into court, and so that way, we didn't
19 want to have the State of Nebraska coming to our
20 facility on the Santee battle.

21 So then, we notified the governor of the State

22 of Nebraska and the U.S. Attorney's Office out of
23 Omaha, and we also notified the Nebraska Attorney
24 General of our decision to open a Class II facility
25 utilizing those things, because, you know, lawyers

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1 cost money, and we don't have that money.

2 So with that, like I said, it provides,
3 probably, providing -- I know that the Winnebago
4 facility has employed about ten people, and in
5 Emerson, I think, it's around 12 there, so it
6 creates a job. And the majority of the people that
7 work in Emerson are non Indian, but it still
8 provides a source of revenue, and, also, the
9 benefits that little casino provides as far as
10 health insurance and things of that nature.

11 And so, it is -- and then what the Winnebago
12 Tribe does, in this instance, as far as Class II
13 games, is that, when we moved into looking at Class
14 II games, electronic age, we're granted by the
15 State of Nebraska as far as Keno. They're allowing
16 Keno to be used with electronic aids. So with that
17 thing, that's when we moved into that area.

18 And it's based upon GLI Laboratories, that
19 those decisions were made. That's one of the
20 premier labs in the country where the gaming of Las
21 Vegas and Atlantic City and all these big

22 companies, Aristocrat and Sodak and IGT, and all of
23 these -- all of these game makers, they use this
24 GLI Laboratory to say that this is a Class III
25 game. This is a Class II. And if it wasn't in

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1 there, if they didn't sign off on it, and you guys
2 didn't sign off, we wouldn't use it.

3 So we feel that we go by the book on
4 everything. And then, as far as what is allowed by
5 the State and then, if the State allows it, and we
6 feel that the tribes could do it, so that's kind of
7 where we're going. And as far as, you know, in one
8 article, and it says, "There have been instances
9 when, literally, the night before it happened, we
10 were advised that a tribe was going to open a
11 facility, and we didn't know the answer to a
12 question like, Is that really on Indian land.

13 Well, I'll tell you what? If it wasn't on
14 Indian land, the State would know, and they would
15 tax us, so we're very clear where our land is. You
16 know, if we're gonna open a facility, we make very
17 sure that that gaming facility, any part of that
18 gaming facility, is on tribal land, and those
19 states would know, too, and they would send those
20 surveyors out there and do a survey.

21 They know where their boundry is as far as

22 gaming is concerned. Let me make no mistake about
23 it. They have people, you know, just saying that,
24 if that casino crosses over here, we'll get 'em.
25 We'll tax 'em. You know, we're very well aware of

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1 that. So I kind of find that, you know, that we
2 know where our land is. You know, we have lawyers,
3 and you guys have lawyers, and the State has
4 lawyers, you know. And then, where the tribal land
5 is, they're hoping we would put a casino.

6 In looking down the road, there is nothing in
7 our thing that we pay taxes. We pay taxes on our
8 facility in Emerson, because that's located in
9 their community, and that land is not in trust.

10 And the three tribes in Nebraska have banded
11 together and tried to get an initiative, which
12 failed, but at the same time we're, like, why can't
13 we open up a bingo hall in Carter Lake, Iowa?

14 The Omaha Tribe -- Omaha Tribe owns land in
15 that area. We could open a business there, and we
16 would not be opposed to paying taxes, the local
17 taxes, and we could do that easily with the success
18 of bingo in a large metropolitan area such as the
19 view down in the Cherokee Nation and Choctaw and
20 Chicataw.

21 They started out as bingo halls, and gradually,

22 you know, with the involvement of their Class II
23 games, they're really successful, and they really
24 not opposed to helping us try that, that don't have
25 the resources with the knowledge that they've

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1 gained over the years. But so, as far as, you
2 know, some of those proposed changes that you --
3 you're presenting with us, you know, we'll be
4 opposing those, and I'll get back, and I'll give
5 you an appropriate resolution.

6 And then -- but we still need to work together,
7 and I appreciate you, Mr. Hogan, that you're always
8 here. I admire that about you. When there's a
9 conference there, be it a gaming conference, or
10 NCAI, or something like that, you're there. You
11 guys are always there to answer those questions.
12 Even though we don't always agree, we still have
13 that respect for one another, and I appreciate all
14 of you taking the time to listen to us, so I thank
15 you.

16 COMMISSIONER HOGAN: Well, thank you. We
17 appreciate hearing from the Winnebago Tribe. We
18 will take all of this into consideration as we try
19 to finalize our proposals. Thank you.

20 (Whereupon, the proceedings concluded at
21 approximately 10:13 a.m.)

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1 STATE OF MINNESOTA)
) SS
2 COUNTY OF WASHINGTON)

3 Be it known that I took the verbatim record of
the National Indian Gaming Commission's
4 Consultation Meetings regarding Classification
Standards Regulations on July 17, 2006, at The
5 Sheraton Hotel, 7800 Normandale Boulevard,
Bloomington, Minnesota 55439;

6 That I was then and there a notary public in
and for the County of Washington, State of
7 Minnesota, and that by virtue thereof I was duly
authorized to administer an oath but did not;

8 That the conversations of said participants was
recorded in stenotype by myself and transcribed
9 into typewriting, and that the Consultation
Meetings is a true record of conversations given by
10 the participants to the best of my ability;

11 That I am not related to any of the parties
hereto nor interested in the outcome of the action;

12 That I am not financially interested in the
action and have no contract with the parties,
attorneys, or persons with an interest in the
13 action that affects or has a substantial tendency
to affect my impartiality;

14 That all parties who ordered copies have been
charged at the same rate for such copies;

15

16 WITNESS MY HAND AND SEAL THIS 22nd day of July,
2006.

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Sherry G. Auge
Court Reporter

DIANE M. WRIGHT & ASSOCIATES